



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/477,131	01/03/2000	LOTHAR MUSIOL	GR-97-P-1865	8745

7590 03/04/2002

LERNER AND GREENBERG P A
POST OFFICE BOX 2480
HOLLYWOOD, FL 330222480

EXAMINER

LE, DINH THANH

ART UNIT	PAPER NUMBER
----------	--------------

2816

DATE MAILED: 03/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/477,131

Applicant(s)
MUSIOL et al.

Examiner
DINH LE

Art Unit
2816



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Feb 12, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. PCT/DE98/01846.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

Art Unit: 2816

NON-FINAL REJECTION

Response to Applicant's Amendment

The rejection over Jou (US Pat. 5,625,894) in view of Naimpally et al. (US Pat. 4,207,590) is withdrawn in view of the arguments presented in the amendment.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Hoang et al. (US 5,528,204) in view of Naimpally et al. (US Pat. 4,207,590).

Figures 4-5 of Hoang et al. discloses a filter circuit comprising a first capacitor (C19), a first LC (L15, C18), a second capacitor (C18), an inductor (L14), a second LC (C8, L5) and a third LC (C9, L6) but does not disclose that each of the second parallel LC and the third parallel LC includes a series capacitor as called for in the claims. Figure 2 of Naimpally et al teaches a filter (275) comprising a series capacitor (225) coupled to a parallel LC (223, 224) for attenuating harmonic frequencies, see column 5, lines 45-50. It would have been obvious at the time the

Art Unit: 2816

invention was made to a person having ordinary skill in the art to employ the series capacitor taught by Naimpally et al in the circuit of Hoang et al for the purpose of attenuating harmonic frequencies.

Claims 5-7 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Takayama (US Pat. 5,483,209) in view of Hoang et al. US 5,528,204) and Naimpally et al. (US Pat. 4,207,590).

Figure 1 of Takayama discloses a filter circuit with all of the limitations of the claimed invention but does not disclose the detailed structure of the filter as called for in the claims. Figures 4-5 of Hoang et al in view of Naimpally teach a bandpass filter for attenuating harmonic frequencies. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ the modified bandpass filter taught by Hoang et al in view of Naimpally et al in the circuit of Takayama for the purpose of attenuating harmonic frequencies.

Response to Applicant's Arguments

Applicant's argument over Zou is persuasive.

The applicant argues that the filter of Naimpally et al is an unbalance filter so that it can not be added to the circuit of Zou and adding the capacitor to Zou, the circuit of Zou would not work. This argument is not persuasive because the purpose of placing the series capacitor (225) in series with the shunt parallel LC (223-224) in Naimpally et al is to attenuate unwanted signal

Art Unit: 2816

within a passband of the filter. Thus, the series capacitor (225) does not "care" about the unbalanced filter or a single ended filter, see the capacitor (C2) being used in Figure 1 of the Sansone reference (US 4,215,325). Also, as notoriously well known in the art, all of the values of the inductors and the capacitors of the Zou must be calculated to provide a predetermined transfer function. Obviously, the modified circuit of Zou including the series capacitor must be recalculated.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MEP. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2816

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Din. Led whose telephone number is (703) 305-3790. The examiner can normally be reached on Monday to Friday from 7:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Callahan, can be reached on (703) 308-4876. The fax phone number for this Group is (703) 308-7725.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

February 27, 2002

DINH LE
Primary Examiner
Art Unit: 2816

A handwritten signature in black ink, appearing to read 'Dinh Le', followed by a horizontal line.